

Remarks

Claims 1, 3, 5 and 7-11 were examined in the corresponding office action, all of which were rejected. Additionally, claim 7 was objected to for an informality. By this paper, Applicant cancels claims 1, 3, 5 and 7-11, and presents new claims 12-15. Applicant asserts that new claims 12-15 do not present new matter, rather they present the invention in a manner more conducive to USPTO Standards and address the 35 U.S.C. § 112 issues raised by the Examiner.

The specification is objected to by the Examiner for informalities, and the Examiner suggests a guideline for the arrangement of the specification. Applicant voluntarily submits a substitute specification concurrently with this amendment in a separate paper to address the Examiner's objections.

Specification Suggestion

The Examiner has provided a suggested arrangement for the specification. Applicant respectfully requests that the Examiner favorably consider the concurrently filed substitute specification.

Specification Objections

The Examiner has objected to the specification for a number of informalities including: a) "Reference 1 used for both a bag and a set"; b) "Page 5, Line 29: Reference 1 in the wrong location"; and c) "Reference 28 defined as the other".

The specification as currently amended includes: a) Reference 1 representing a "bag assembly (1)"; b) Page 5, line 29 has been amended from "[t]he set is, then, ready (1)" to "[t]he bag assembly (1) is then ready"; and c) Reference 28 is defined as the "internal fitting (28)".

Claim Objections

Claim 7 is objected to for an informality regarding antecedent basis of the "one or more lateral openings". By this paper, claim 7 is canceled. New claim 14 includes "at least one lateral opening" which is not referenced in further dependent claims.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected claims 1, 3, 5, and 7-11 under 35 U.S.C. § 112, second paragraph. The Examiner has rejected claims 1, 8 and 9 for insufficient antecedent basis. Additionally, the Examiner rejected the preamble of claims 1, 3, 5, and 7-11 for being "unclear". By this paper, claims 1, 3, 5, and 7-11 are canceled and new claims 12-15 are presented to address the Examiner's concerns. Applicant respectfully requests that the Examiner favorably consider the new claims.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claim 1 under 35 U.S.C. § 102 as being anticipated by US 3,512,338 (Nestler). Although this claim is canceled by this paper, Applicant addresses the rejection in view of new claim 12. New independent claim 12 requires "a set of bags . . . each bag having a seam extending transversely across a lower end of the bag . . .". This limitation is distinguishable from Nestler, in that Nestler teaches a bag having a tubular portion 20 that is attached to a bottom circular panel 21 by a circular circumferential seam 23. (Column 4, lines 39-44). A circumferential seam does not "extend[] transversely across a lower end of the bag" as claimed, and claim 12 would not be anticipated thereby.

The projections of Applicant's bag assembly could attach between adjacent bags, if not properly nested. To address this challenge, Applicant's bags are "orthogonally nested . . . resulting in an offset of the projections to allow an innermost internal bag . . . to be selectively removed from the bag assembly without displacing the adjacent bag" as claimed. Nestler does

not address such a challenge. Nestler teaches that a "slight 10° tapering of the side of the frame tends in some instances to enable more efficient individual bag removal" (Col. 2, lines 43-45). The Examiner relies on Nestler's disclosure at Column 5, lines 1-4, for satisfying a similar limitation in claim 8. (Page 7, item 18, of Office Action of 11/7/08). Here, Nestler teaches that "it may be desirable to rotate the mandrel 10 slightly to move the last formed seam 17 away from alignment with the next seam yet to be formed as part of the next successive bag . . ." (Col. 5, lines 1-4)." Nestler does not elaborate as to why it is "desireable to rotate the mandrel 10. . . ." Applicant assumes this action was meant to prevent the seams from accumulating in one location, and resulting in a non-uniform shape of the bag. Nestler does not teach or suggest that this action will "allow[] an innermost internal bag . . . to be selectively removed from the bag assembly without displacing the adjacent bag" as claimed, and the claim would not be anticipated thereby.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 3, 5, and 7-11 under 35 U.S.C. §103(a) as being unpatentable over Nestler in view of US 3,198,325 (White) and further in view of US 2003/0141303 (Grazziotin).

New claims 13-15 depend from claim 12. The Examiner relies on Nestler for satisfying the limitations of claim 1, which Applicant argued above in relation to claim 12. Claim 12 is not anticipated by Nestler and therefore the Examiner's combination fails to satisfy all claim limitations, and claims 13-15 are nonobvious thereby.

Referring to Examiner's points 12-20, the Examiner relies on White's item 17 for satisfying the "bushing" limitation, and White's Figure 2 for illustrating a "a stack of bags(1) with a bushing(17) extending through a circular opening. . ." (Page 6, items 16, of Office Action of 11/7/08). New claim 14 requires a "bushing for . . . facilitating fluid communication through the bushing." White's items 17 are fasteners that "extend through openings 15 of the bags to hold

them in packeted assembly." (Col. 2, lines 3-4). White does not teach or suggest that the fasteners 17 "facilitat[e] fluid communication through the bushing" as claimed.

The Examiner relies on Grazziotin for teaching "a removable liner (7) for a tank (1) with both an inlet (22) and an outlet (24)." (Page 6, item 16, of Office Action of 11/7/08). Although Grazziotin does teach of a removable liner, he does not teach of a bag assembly where a single internal bag is removed, and the remainder of the bag assembly is left for continued use. Thus there is no motivation to combine this reference with others to address challenges from separating adjacent bags.

The combination of Nestler over White and further in view of Grazziotin does not provide all of the claim limitations and the combination does not provide any reason to include all of the claim limitations and therefore claims 13-15 are nonobvious over Nestler in view of White and further in view of Grazziotin.

Conclusion

In view of the foregoing, the Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

FERNANDO ALBERTO GRAZZIOTIN

Date: February 9, 2009

By /Andrew B. Turner/

Andrew B. Turner - Reg. No. 63,121

Agent for Applicant

BROOKS KUSHMAN P.C.

1000 Town Center, 22nd Floor

Southfield, MI 48075-1238

Phone: 248-358-4400; Fax: 248-358-3351